

REMARKS

Applicants thank the Examiner for the very thorough consideration given the present application. Claims 1 and 3-11 are now present in this application, of which claim 1 is independent. By this amendment, claim 1 has been amended.

Reconsideration of this application, as amended, is respectfully requested.

Request for Withdrawal of Finality of Office Action

Applicants respectfully submit that in attempting to reject independent claim 1, the Examiner modified Fig. 1 of Gautier to allegedly show a parallelogram as set forth in claim 1. Applicants note that the modified figure of Gautier does not show an parallelogram as at least the line connecting point C to point A is greater than the line connecting point B to point D. Therefore, the interpretation of Gautier was improper.

Accordingly, withdrawal of the finality of the previous Office Action, and an Office Action on the merits with respect to claims 1 and 3-10 are respectfully requested. Applicants have amended claim 1 further to make clear the elements defining a parallelogram, but notes that claim 1 always recited a parallelogram.

Reasons for Entry of Amendments

At the outset, it is respectfully requested that this Amendment be entered into the Official File in view of the fact that the amendments to the claims automatically place the application in condition for allowance.

In the alternative, if the Examiner does not agree that this application is in condition for allowance, it is respectfully requested that this Amendment be entered because the finality of the Office Action is improper.

This Amendment was not presented at an earlier date in view of the fact that Applicants did not fully appreciate the Examiner's position until the current Office Action was reviewed.

Rejections under 35 U.S.C. §103

Claims 1, 4-8, and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gautier '192 in view of Schwarzkopf; claims 3 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gautier '192 in view of Schwarzkopf and further in view of Gautier '235; and claims 9, 10, and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gautier '192 in view of Schwarzkopf and further in view of Bochet. These rejections are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicants respectfully submit that independent claim 1 has been amended to recite a combination of elements in a container blank including, among others, "wherein the intersections between the front boundary line and a first geometrical line coinciding with the transition between the upper portion and the central portion, the front boundary line and a second geometrical line coinciding with the transition between the bottom portion and the central portion, the rear boundary line and said first geometrical line, and the rear boundary line and said second geometrical line constitute corners of a parallelogram comprising an angle of inclination defined by a lateral side of said parallelogram and the longitudinal axis, said angle being acute towards the bottom portion," "the front boundary line and the intermediate boundary line along the longitudinal axis of the container blank give the central portion an essentially symmetrical, frustoconical shape," "the front boundary line has a concave curvature relative to the central portion, the concave curvature of the front boundary line has an end point at the intersection between the front boundary line and said second geometrical line," and "the intermediate boundary line has a concave curvature relative to the central portion, the concave curvature of the intermediate boundary line has an end point at the intersection between the intermediate boundary line and said second geometrical line." Support for these features can be found in Fig. 1, for example.

Applicants respectfully submit that this combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Gautier '192, Schwarzkopf, Gautier '235, and Bochet.

Applicants respectfully submit that the container blank in Gautier '192 does not show intersections between the front boundary line and a first geometrical line coinciding with the transition between the upper portion and the central portion, the front boundary line and a second geometrical line coinciding with the transition between the bottom portion and the central portion, the rear boundary line and said first geometrical line, and the rear boundary line and said second geometrical line that constitute corners of a parallelogram. Instead the above defined intersections when applied to the container blank of Gautier '192 (see Fig. 1 of Gautier '192 and Fig. 1 prepared by the Examiner on page 3 of the Office Action) constitute a quadrangle having four unequal sides, and thus, not a parallelogram.

The angled parallelogram shape of the present invention compensates for any tendency of a container made of the container blank to tilt forwards. Because the tendency towards tilting is reduced, the tendency towards wrinkling along the edge of the container will be reduced. Thus, a container made of the container blank will be more aesthetically pleasing and the risk of damage due to wear will be reduced (See page 4 line 7 - page 5 line 16 of the present application). Further, wastage of material when producing the container blanks is reduced due to the parallelogram shape of the container blanks as demonstrated by the sketch below.



In contrast, if the shape would be a quadrangle having four unequal sides, as diagrammed in Fig. 1 of Gautier '192, the following would be the case.



Thus, a considerable amount of waste would be present in using a quadrangle shape over a parallelogram shape.

Furthermore, as noted by the Examiner, Gautier '192 does not disclose a container blank having a front boundary line having a concave curvature relative to the central portion, wherein the concave curvature of the front boundary line has an end point at the intersection between the front boundary line and said second geometrical line, and a intermediate boundary line having a concave curvature relative to the central portion, where the concave curvature of the intermediate boundary line has an end point at the intersection between the intermediate boundary line and said second geometrical line. The Examiner relies on Schwarzkopf as teaching these features. Applicants respectfully disagree.

Schwarzkopf does not disclose a front boundary line nor an intermediate boundary line that has a concave curvature relative to the central portion. Instead, Schwarzkopf teaches that the front boundary line and the intermediate boundary line may have a convex curvature relative to the central portion or at the most a concave curvature at the upper most portion of the container. See figure 7 of Schwarzkopf.

Moreover, Schwarzkopf does not disclose a concave curvature of the front boundary line that has an end point at the intersection between the front boundary line and said second geometrical line. In addition, Schwarzkopf does not disclose a concave curvature of the intermediate boundary line that has an end point at the intersection between the intermediate boundary line and said second geometrical line.

Finally, Applicants note that it is only the left portion of the "container" in Fig. 7 of Schwarzkopf that would be considered to be a container for liquids or the like. Filling the right portion of the "container" would result in an unstable container and is thus not an option for the skilled person. In other words, the two halves of the "container" are intended to be separated (seal lines 5 and 6 and perforation line 4) and each half is used as a container. Therefore, one of ordinary skill in the art would not look to modify the container blank of Gautier '192 to provide the claimed curvatures because the container blank of Gautier '192 produces 1 container while Schwarzkopf produces two containers.

None of the other cited references were relied on to overcome the noted deficiencies of Gautier '192 and Schwarzkopf.

Applicants respectfully submit that this combination of elements as set forth in independent claim 2 is not disclosed or made obvious by the prior art of record, including Gautier '192, Schwarzkopf, Gautier '235, and Bochet.

With regard to dependent claims 3-11, Applicants submit that claims 3-11 depend, either directly or indirectly, from independent claim 1, which is allowable for the reasons set forth above, and therefore claims 3-11 are allowable based on their dependence from claim 1, as well as for their additionally recited subject matter. Reconsideration and allowance thereof are respectfully requested.

Additional Cited References

Because the remaining references cited by the Examiner have not been utilized to reject the claims, but have merely been cited to show the state of the art, no comment need be made with respect thereto.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot.

Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Chad D. Wells, Registration No. 50,875, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

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Amendment dated October 13, 2009
Reply to Final Office Action dated July 10, 2009

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 
Paul C. Lewis
Registration No.: 43,368
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicants

CJN